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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,379	07/15/2003	Satoshi Shahana	SIC-03-020	1378
29863	7590	06/06/2005	EXAMINER	
DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069			CHARLES, MARCUS	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/604,379	Applicant(s) SHAHANA, SATOSHI	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/28/03 & 3/1/05</u> # <u>7/15/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first action relating to serial application number 10/604,379, filed 07-15-2003.

Claims 1-17 are currently pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the linking member of the chain guide and how it is connected to the second ends of the first and second link members" as in claim 17, must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: in the specification, paragraph 15, reference numeral 41 is directed to the biasing member and in paragraph 14 the reference numeral (41) depicts the "axle opening". In addition, paragraph 14, reference numeral 50 is used to depict both the recessed slit and projection; in paragraph [0015] the reference numeral 30 is used to depict the base member and the first link member.

4. In paragraphs 18 and 23, it is not clear as to what is being referred to as "the convex slit 51" because reference numeral 51 is used to depict the "slit". In paragraph [0015], it is not clear if "the slit" and "the convex slit" are the same. Furthermore, in paragraphs [0018] and [0023], reference 51 is used to depict a convex slit and in paragraph [0023] reference 51 is used to depict a concave slit. Therefore, it is not clear if the concave and convex slits are the same. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-3, 8, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki et al. (4,789,379). Ozaki et al. disclose a bicycle derailleur comprising a base member (3), non-rotatable mounted to a bicycle frame (6), a link mechanism having a first portion and a second portion (12, 9), such that the first portion is connected to the base and the second portion is disposed above the first portion, a chain guide (11) is coupled to the second portion via a pivot (19), so that the guide moves relative to the base member to move the chain.

In claims 2 and 3, note the base member is mounted coaxially with the bicycle wheel (see fig. 1).

In claim 8, it is apparent that the base member is structured to be mounted to the bicycle independent of the wheel axle (5).

In claim 11, it is apparent that the link mechanism is a four-point link mechanism.

In claims 12-13, Ozaki et al. discloses the claimed invention (see fig. See figs 2, 4).

In claim 14, note the chain guide (11) is coupled to the second end of the first link and second link members (see fig. 4).

In claim 15, note the biasing member (230 and the cable member (W2).

7. Claims 1 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki (5,597,366). Ozaki disclose a bicycle derailleur comprising a base member (3/10), non-rotatable mounted to a bicycle frame (E), a link mechanism (9) having a first portion and a second portion, such that the first portion is connected to the base at pivots (11-12) and the second portion (17) is disposed above the first portion, a chain

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guide (7) is coupled to the second portion (17) via a pivot (15, 16), so that the guide moves relative to the base member to move the chain.

In claims 2 and 3, note the base member is mounted coaxially and integrally with the bicycle wheel axle (see figs. 1, 2).

In claim 8, it is apparent that the base member is structured to be mounted to the bicycle independent of the wheel axle (2).

In claim 11, it is apparent that the link mechanism is a four-point link mechanism.

In claims 12-13, Ozaki et al. discloses the claimed invention (see fig. See figs. 1, 2,

In claim 14, note the chain guide (7) is coupled to the second end of the first link and second link members (see figs. 1-2).

In claim 15, note the biasing member (18) and the cable member (W1).

In claim 16, Ozaki discloses the claimed invention in figs. 1 and 2.

In claim 17, note the second spring (23) in fig. 2.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-7, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al. in view of FR (337740). Ozaki et al. fails to disclose the base includes a projection that is structured to engage on opening in the form on a notch, opening or a

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slit in the frame. FR (337740) discloses a bicycle derailleur having a base with a projection (39) that is structured to engage an opening such as a notch, or slit in the frame in order to prevent the base from misalignment due to inadvertent movement.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the base member of Ozaki et al. so as to include a projection in view of FR (337740) in order to prevent the base from misalignment due to inadvertent movement.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ando (5,397,273), FR (2759968), EP (0657345), Leiter (4,185,255) and FR (1204027) disclose a bicycle derailleur having a chain guide that is pivotally mounted above the connection between the base member and the link mechanism.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (757) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
May 16, 2005